

PART IV**Section 2-C (ii)****STATUTORY ORDERS ISSUED BY THE STATE
GOVERNMENT UNDER THE CENTRAL ACTS
AND STATE ACTS.****SOCIAL WELFARE AND LABOUR SECRETARIAT****GOVERNMENT OF KARNATAKA****SOCIAL WELFARE AND LABOUR DEPARTMENT**

Labour dispute: Industrial dispute between the workmen and the management of Karnataka State Road Transport Corporation, North Kanara Division, Sirsi.

Award of the Presiding Officer, Labour Court, Hubli, published.

Read the following papers.

(1) Letter No. LCH/2322/74-75, dated 31st January 1975 from Sri H. L. Narayana Gowda, Presiding Officer, Labour Court, Hubli.

BEFORE THE LABOUR COURT AT HUBLI*Reference ID (LCH) Claim No. 82/1973**Present :***Sri H. L. Narayanagowda, B.A. LL.B., Presiding Officer.****Dated 31st January 1975***Claimant :***Sri S. N. Haliyal, C/o The General Secretary,
The Karnataka State Road Transport Employees' Union,
Hubli.**

Respondent :

The Management of KSRTC North Kanara Division,
Sirsi.

Government Order No. SWL 999 LLD 73,
Dated 20th November 1973.

JUDGEMENT AND AWARD

The Government of Karnataka have made this reference under clause (c) of sub-section (1) of section 10 of the I.D. Act 1947 (Central Act No. 14 of 1947) referring the dispute between Sri S. N. Haliyal, Ex-Conductor KSRTC, N. K. Division, Sirsi, and the Management of K.S.R.T.C., N. K. Division, Sirsi for adjudication to this Court on the following points of dispute.

"1. Is the Management of KSRTC North Kanara Division, Sirsi justified in terminating the services of Sri S. N. Haliyal, Conductor, T.No. 4874 with effect from 5th March 1973 ?

2. If not to what relief the workman entitled ?"

2. The claimant in his claim statement states as follows: He was working as a conductor from August 1972. His services were terminated by order dated 2nd March 1973 on the ground that his work was not suitable. No charges were framed against him nor opportunity given to him to offer explanation. There was also no enquiry. This is an clear violation of Model Standing Orders which are applicable as there are no certified standing Orders. It is also against the Principles of Natural justice. He orally demanded reinstatement but Respondent did not reinstate him. Conciliation proceedings also ended in failure. He has been unemployed since the termination of his service and is in grant financial distress. He prays that he may be ordered to be reinstated with full back wages.

3. The Respondent in its written statement pleads as follows: The claimant was appointed as a local candidate purely on temporary basis with an instruction that his appointment is purely temporary and he may be discharged at any time. That there is no case for the claimant against the Respondent as the appointment of the claimant is so clear as it is on purely temporary basis. The claimant has also accepted to serve as a local candidate. As such he cannot claim anything from the Respondent. That the claimant was discharged from service as he was not proved to be suitable for the post of a conductor wherein he was appointed. The petitioner was discharged as per the terms of his contract of service. The Respondent its right in discharging from his service. The action of the Respondent is legal and in accordance with service conditions. It prays that the reference may be rejected with costs.

4. In support of its case, the Respondent has examined its Asst. Labour Welfare Officer Sri B. M. Balekar as MW-1 and clowed. Ex. M-1 and M-2 are the documents filed for it. The claimant has not adduced any evidence either oral or documentary.

5. I have perused the records and heard Sri N. M. Hanasi, learned advocate for the claimant and Sri S. M. Shettar, learned advocate for the Respondent.

6. Sri Palekar, Asst. Labour Welfare Officer as MW-1 has stated in his evidence that the claimant was working as conductor in KSRTC Sirsi Division, Sirsi on temporary basis. He was dismissed from service on 2nd March 1973. He was appointed as Conductor from August 1972 till his dismissal on short term basis. They have given him short term appointment having him break in service. There was a default case against him on 19th February 1973. Ex. M-1 is the report of the checking Inspector dated 19th February 1973. Ex. M-2 are the unpunched tickets seized from the Conductor. The claimant was discharged from

service as he was a temporary hand. The conditions of his service were that that if he was found unsuitable for the post during the period of his service, he was liable for discharge from service. The claimant has been discharged strictly in accordance with the terms and conditions of his service.

7. In cross-examination he states that there are no standing orders in KSRTC. It is true that the claimant was dismissed because he misappropriated the revenue of the KSRTC. They have not issued any chargesheet to the claimant on the basis of Ex. M-1. They have not called for his explanation before he was dismissed. There was no domestic enquiry held against the claimant. The claimant was not given any chance to explain before he was dismissed. He cannot say that claimant was an efficient conductor.

8. In Keshavappa Shetty and other V/s. The Divisional controller, MSRTC, Bellary in Writ Petition No. 4835 and 4855 of 1970 His Lordship Justice Sri V. S. Malimath of our High Court has that if a temporary employee is found unsuitable, the Management has got powers to discharge him and the act of the Management cannot be challenged. In this case it is not denied that the claimant was a temporary conductor. The Personnel Officer Sri B. M. Palekar MW-1 has stated that the claimant was found unsuitable for the job and hence he was dismissed. Whether the claimant was really suitable or not, is a matter which can be decided by the Respondent and this Court cannot sit in judgement over the decision of the Respondent that the claimant is not suitable for job. The claimant was a temporary hand, the Respondent has found him unsuitable and has dismissed him. The order of dismissal cannot be questioned by the claimant in this Court. No question of denying the claimant of the principles of natural justice arises in this case because he was a temporary hand. The reference must be rejected.

AWARD

The reference is rejected. No costs.

**Hubli,
31st January 1975.**

**H. L. Narayanagowda,
Presiding Officer,
Labour Court, Hubli.**

*Order No. SWL 31 LLA 75, Bangalore, dated the
19th February, 1975.*

S O. 1052.—

WHEREAS, by State Government Order No. SWL 999 LLD 73, dated 20th November 1973 the industrial dispute between the workmen and the management of Karnataka State Road Transport Corporation, North Kanara Division, Sirsi, was referred to the Labour Court, Hubli, for adjudication.

AND, WHEREAS, the Labour Court, Hubli, has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above in the *Karnataka Gazette*.

By Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,

Under Secy. to Govt., S.W. and L. Dept.